



Digitized by the Internet Archive
in 2014

IN THE SENATE OF THE UNITED STATES.

SEPTEMBER 4, 1913.

Read twice and referred to the Committee on Public Lands.

AN ACT

Granting to the city and county of San Francisco certain rights of way in, over, and through certain public lands, the Yosemite National Park, and Stanislaus National Forest, and certain lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That there is hereby granted to the city and county of San
4 Francisco, a municipal corporation in the State of California,
5 all necessary rights of way along such locations and of such
6 width, not to exceed two hundred and fifty feet, as in the
7 judgment of the Secretary of the Interior may be required
8 for the purposes of this Act, in, over, and through the public
9 lands of the United States in the counties of Tuolumne,
10 Stanislaus, San Joaquin, and Alameda, in the State of Cali-
11 fornia, and in, over, and through the Yosemite National Park

1 and the Stanislaus National Forest, or portions thereof, lying
2 within the said counties, for the purpose of constructing,
3 operating, and maintaining aqueducts, canals, ditches, pipes,
4 pipe lines, flumes, tunnels, and conduits for conveying water
5 for domestic purposes and uses to the city and county of San
6 Francisco and such other municipalities and water districts
7 as, with the consent of the city and county of San Fran-
8 cisco, or in accordance with the laws of the State of Cali-
9 fornia in force at the time application is made, may
10 hereafter participate in the beneficial use of the rights and
11 privileges granted by this Act; for the purpose of construct-
12 ing, operating, and maintaining power and electric plants,
13 poles, and lines for generation and sale and distribution of
14 electric energy; also for the purpose of constructing, oper-
15 ating, and maintaining telephone and telegraph lines, and
16 for the purpose of constructing, operating, and maintaining
17 roads, trails, bridges, tramways, railroads, and other means
18 of locomotion, transportation, and communication, such as
19 may be necessary or proper in the construction, maintenance,
20 and operation of the works constructed by the grantee
21 herein; together with such lands in the Hetch Hetchy
22 Valley and Lake Eleanor Basin within the Yosemite Na-
23 tional Park, and the Cherry Valley within the Stanislaus
24 National Forest, irrespective of the width or extent of said
25 lands, as may be determined by the Secretary of the In-

1 terior to be actually necessary for surface or underground
2 reservoirs, diverting and storage dams; together with
3 such lands as the Secretary of the Interior may de-
4 termine to be actually necessary for power houses,
5 and all other structures or buildings necessary or properly
6 incident to the construction, operation, and maintenance of
7 said water-power and electric plants, telephone and tele-
8 graph lines, and such means of locomotion, transportation,
9 and communication as may be established; together with the
10 right to take, free of cost, from the public lands, the Yo-
11 osemite National Park, and the Stanislaus National Forest
12 adjacent to its right of way, within such distance as
13 the Secretary of the Interior and the Secretary of Agri-
14 culture may determine, stone, earth, gravel, sand, tufa,
15 and other materials of like character actually necessary to
16 be used in the construction, operation, and repair of its said
17 water-power and electric plants, its said telephone and
18 telegraph lines, and its said means of locomotion, transpor-
19 tation, or communication, under such conditions and regu-
20 lations as may be fixed by the Secretary of the Interior and
21 the Secretary of Agriculture, within their respective juris-
22 dictions, for the protection of the public lands, the Yosemite
23 National Park, and the Stanislaus National Forest: *Provided*,
24 That said grantee shall file, as hereinafter provided, a map

1 or maps showing the boundaries, location, and extent of said
2 proposed rights of way and lands for the purposes herein-
3 above set forth: *Provided further*, That the Secretary of the
4 Interior shall approve no location or change of location in
5 the national forests unless said location or change of location
6 shall have been approved in writing by the Secretary of
7 Agriculture.

8 SEC. 2. That within three years after the passage of
9 this Act said grantee shall file with the registers of the United
10 States land offices, in the districts where said rights of way
11 or lands are located, a map or maps showing the boundaries,
12 locations, and extent of said proposed rights of way and lands
13 required for the purposes stated in section one of this Act; but
14 no permanent construction work shall be commenced on said
15 land until such map or maps shall have been filed as herein
16 provided and approved by the Secretary of the Interior:
17 *Provided, however*, That any changes of location of any of
18 said rights of way or lands may be made by said grantee be-
19 fore the final completion of any of said work permitted in sec-
20 tion one hereof, by filing such additional map or maps as
21 may be necessary to show such changes of location, said addi-
22 tional map or maps to be filed in the same manner as the
23 original map or maps; but no change of location shall be-
24 come valid until approved by the Secretary of the Interior,

1 and the approval by the Secretary of the Interior of
2 said map or maps showing changes of location of said
3 rights of way or lands shall operate as an abandonment
4 by the city and county of San Francisco to the extent
5 of such change or changes of any of the rights of way or lands
6 indicated on the original maps: *And provided further,*
7 That any rights inuring to the grantee under this Act
8 shall, on the approval of the map or maps referred to
9 herein by the Secretary of the Interior, relate back to the
10 date of the filing of said map or maps with the register
11 of the United States Land Office as provided herein, or
12 to the date of the filing of such maps as they may be
13 copies of as provided for herein: *And provided further,*
14 That with reference to any map or maps heretofore filed by
15 said city and county of San Francisco or its grantor with any
16 officer of the Department of the Interior or the Department
17 of Agriculture, and approved by said department, the pro-
18 visions hereof will be considered complied with by the
19 filing by said grantee of copies of any of such map or maps
20 with the register of the United States Land Office as pro-
21 vided for herein, which said map or maps and locations
22 shall as in all other cases be subject to the approval of the
23 Secretary of the Interior.

24 SEC. 3. That the rights of way hereby granted shall not
25 be effective over any lands upon which homestead, mining,

1 or other existing valid claim or claims shall have been filed
2 or made and which now in law constitute prior rights to any
3 claim of the grantee until said grantee shall have purchased
4 such portion or portions of such homestead, mining, or other
5 existing valid claims as it may require for right-of-way
6 purposes and other purposes herein set forth, and shall
7 have procured proper relinquishments of such portion or
8 portions of such claims, or acquired title by due process
9 of law and just compensation paid to said entrymen or claim-
10 ants, and caused proper evidence of such fact to be filed
11 with the Commissioner of the General Land Office, and the
12 right of such entrymen or claimants to sell and of said grantee
13 to purchase such portion or portions of such claims are hereby
14 granted: *Provided, however,* That this Act shall not apply
15 to any lands embraced in rights of way heretofore approved
16 under any Act of Congress for the benefit of any parties
17 other than said grantee or its predecessors in interest.

18 SEC. 4. That the said grantee shall conform to all
19 regulations adopted and prescribed by the Secretary of the
20 Interior governing the Yosemite National Park and by the
21 Secretary of Agriculture governing the Stanislaus National
22 Forest, and shall not take, cut, or destroy any timber within
23 the Yosemite National Park or the Stanislaus National
24 Forest, except such as may be actually necessary in order to

1 construct, repair, and operate its said reservoirs, dams,
2 power plants, water-power and electric works, and other
3 structures above mentioned, but no timber shall be cut
4 or removed from lands outside of the right of way until
5 designated by the Secretary of the Interior or the Secre-
6 tary of Agriculture, respectively; and it shall pay to the
7 United States the full value of all timber and wood cut, in-
8 jured, or destroyed on or adjacent to any of the rights of way
9 and lands, as required by the Secretary of the Interior or the
10 Secretary of Agriculture: *Provided*, That no timber shall
11 be cut by the grantee in the Yosemite National Park except
12 from land to be submerged or which constitutes an actual
13 obstruction to the right or rights of way or to any road or
14 trail provided in this Act: *Provided further*, That for and
15 in consideration of the rights and privileges hereby granted
16 to it the said grantee shall construct and maintain in good
17 repair such bridges or other practicable crossings over its
18 rights of way within the Stanislaus National Forest as may
19 be prescribed in writing by the Secretary of Agriculture,
20 and elsewhere on public lands along the line of said
21 works, and within the Yosemite National Park as may be
22 prescribed in writing by the Secretary of the Interior; and
23 said grantee shall, as said waterworks are completed, if
24 directed in writing by the Secretary of the Interior or the
25 Secretary of Agriculture, construct and maintain along each

1 side of said right of way a lawful fence of such character as
2 may be prescribed by the proper Secretary, with such suitable
3 lanes or crossings as the aforesaid officers shall prescribe:
4 *And provided further*, That the said grantee shall clear its
5 rights of way within the Yosemite National Park and the
6 Stanislaus National Forest and over any public land of any
7 débris or inflammable material as directed by the Secretary
8 of the Interior and the Secretary of Agriculture, respectively;
9 and said grantee shall permit any road or trail which it may
10 construct over the public lands, the Yosemite National Park,
11 or the Stanislaus National Forest to be freely used by the
12 officials of the Government and by the public, and shall
13 permit officials of the Government, for official business only,
14 the free use of any telephone or telegraph lines, or equip-
15 ment, or railroads that it may construct and maintain within
16 the Yosemite National Park and the Stanislaus National
17 Forest, or on the public lands, together with the right to
18 connect with any such telephone or telegraph lines private
19 telephone wires for the exclusive use of said Government
20 officials: *And provided further*, That all reservoirs, dams,
21 conduits, power plants, water power and electric works,
22 bridges, fences, and other structures not of a temporary
23 character shall be sightly and of suitable exterior design and
24 finish so as to harmonize with the surrounding landscape and
25 its use as a park; and for this purpose all plans and designs

1 shall be submitted for approval to the Secretary of the
2 Interior.

3 SEC. 5. That all lands over which the rights of way
4 mentioned in this Act shall pass shall be disposed of only
5 subject to such easements: *Provided, however,* That the con-
6 struction of the aforesaid works shall be prosecuted diligently,
7 and no cessation of such construction shall continue for a period
8 of three consecutive years, and in the event that the Secretary
9 of the Interior shall find and determine that there has not
10 been diligent prosecution of the work or of some integral and
11 essential part thereof, or that there has been a cessation of
12 such construction for a period of three consecutive years,
13 then he may declare forfeited all rights of the grantee herein
14 as to that part of the works not constructed, and request the
15 Attorney General, on behalf of the United States, to com-
16 mence suit in the United States District Court for the
17 Northern District of California for the purpose of procuring
18 a judgment declaring all such rights to that part of the works
19 not constructed to be forfeited to the United States, and
20 upon such request it shall be the duty of the said Attorney
21 General to cause to be commenced and prosecuted to a final
22 judgment such suit: *Provided further,* That the Secretary of
23 the Interior shall make no such finding and take no such action
24 if he shall find that the construction or progress of the works
25 has been delayed or prevented by the act of God or the

1 public enemy, or by engineering or other difficulties that
2 could not have been reasonably foreseen and overcome, or
3 by other special or peculiar difficulties beyond the control of
4 the said grantee: *Provided further*, That, in the exercise of
5 the rights granted by this Act, the grantee shall at all times
6 comply with the regulations herein authorized, and in the
7 event of any material departure therefrom the Secretary of
8 the Interior or the Secretary of Agriculture, respectively,
9 may take such action as may be necessary in the courts or
10 otherwise to enforce such regulations.

11 SEC. 6. That the grantee is prohibited from ever sell-
12 ing or letting to any corporation or individual, except a
13 municipality or a municipal water district or irrigation dis-
14 trict, the right to sell or sublet the water or the electric energy
15 sold or given to it or him by the said grantee: *Provided*, That
16 the rights hereby granted shall not be sold, assigned, or trans-
17 ferred to any private person, corporation, or association, and
18 in case of any attempt to so sell, assign, transfer, or convey,
19 this grant shall revert to the Government of the United States.

20 SEC. 7. That for and in consideration of the grant
21 by the United States as provided for in this Act the
22 said grantee shall assign, free of cost to the United
23 States, all roads and trails built under the provisions
24 hereof; and further, after the expiration of five years from
25 the passage of this Act the grantee shall pay to the

1 United States the sum of \$15,000 annually for a period
2 of ten years, beginning with the expiration of the five-year
3 period before mentioned, and for the next ten years fol-
4 lowing \$20,000 annually, and for the remainder of the term
5 of the grant shall, unless in the discretion of Congress the
6 annual charge should be increased or diminished, pay the sum
7 of \$30,000 annually, said sums to be paid on the first day of
8 July of each year. Until otherwise provided by Congress,
9 said sums shall be kept in a separate fund by the United
10 States, to be applied to the building and maintenance of
11 roads and trails and other improvements in the Yosemite
12 National Park and other national parks in the State of Cali-
13 fornia. The Secretary of the Interior shall designate the
14 uses to be made of sums paid under the provisions of this
15 section under the conditions specified herein.

16 SEC. 8. That the word "grantee" as used herein shall be
17 understood as meaning the city and county of San Francisco
18 and such other municipalities or water district or water
19 districts as may, with the consent of the city and county
20 of San Francisco or in accordance with the laws of the State
21 of California, hereafter participate in or succeed to the bene-
22 ficial rights and privileges granted by this Act.

23 SEC. 9. That this grant is made to the said grantee
24 subject to the observance on the part of the grantee of all
25 the conditions hereinbefore and hereinafter enumerated:

1 (a) That upon the completion of the Hetch Hetchy
2 Dam or the Lake Eleanor Dam, in the Yosemite National
3 Park, by the grantee, as herein specified, and upon the com-
4 mencement of the use of any reservoirs thereby created by
5 said grantee as a source of water supply for said grantee,
6 the following sanitary regulations shall be made effective
7 within the watershed above and around said reservoir sites
8 so used by said grantee:

9 First. No human excrement, garbage, or other refuse
10 shall be placed in the waters of any reservoir or stream or
11 within three hundred feet thereof.

12 Second. All sewage from permanent camps and hotels
13 within the watershed shall be filtered by natural percolation
14 through porous earth or otherwise adequately purified or
15 destroyed.

16 Third. No person shall bathe, wash clothes or cooking
17 utensils, or water stock in, or in any way pollute, the water
18 within the limits of the Hetch Hetchy Reservoir or any reser-
19 voir constructed by the said grantee under the provisions of
20 this grant, or in the streams leading thereto, within one mile
21 of said reservoir; or, with reference to the Hetch Hetchy
22 Reservoir, in the waters from the reservoir or waters entering
23 the river between it and the "Early intake" of the aqueduct,
24 pending the completion of the aqueduct between "Early
25 intake" and the Hetch Hetchy Dam site.

1 Fourth. The cost of the inspection necessary to secure
2 compliance with the sanitary regulations made a part of
3 these conditions, which inspection shall be under the direc-
4 tion of the Secretary of the Interior, shall be defrayed by the
5 said grantee.

6 Fifth. If at any time the sanitary regulations provided
7 for herein shall be deemed by said grantee insufficient to
8 protect the purity of the water supply, then the said grantee
9 shall install a filtration plant or provide other means to guard
10 the purity of the water. No other sanitary rules or restric-
11 tions shall be demanded by or granted to the said grantee
12 as to the use of the watershed by campers, tourists, or the
13 occupants of hotels and cottages.

14 (b) That the said grantee shall recognize the prior
15 rights of the Modesto Irrigation District and the Turlock
16 Irrigation District as now constituted under the laws of the
17 State of California, or as said districts may be hereafter
18 enlarged to contain in the aggregate not to exceed three
19 hundred thousand acres of land, to receive two thousand
20 three hundred and fifty second-feet of the natural daily
21 flow of the Tuolumne River, measured at the La Grange
22 Dam, whenever the same can be beneficially used by said
23 irrigation districts, and that the grantee shall never interfere
24 with said rights.

25 (c) That whenever said irrigation districts receive at
26 the La Grange Dam less than two thousand three hundred

1 and fifty second-feet of water, and when it is necessary for
2 their beneficial use to receive more water the said grantee
3 shall release free of charge, out of the natural daily flow of
4 the streams which it has intercepted, so much water as may
5 be necessary for the beneficial use of said irrigation districts
6 not exceeding an amount which, with the waters of the
7 Tuolumne and its tributaries, will cause a flow at La Grange
8 Dam of two thousand three hundred and fifty second-feet;
9 and shall also recognize the rights of the said irrigation dis-
10 tricts to the extent of four thousand second-feet of water
11 out of the natural daily flow of the Tuolumne River for
12 combined direct use and collection into storage reservoirs
13 as may be provided by said irrigation districts, during
14 the period of sixty days immediately following and including
15 April fifteenth of each year, and shall during such period re-
16 lease free of charge such quantity of water as may be
17 necessary to secure to the said irrigation districts such four
18 thousand second-feet flow or portion thereof as the said
19 irrigation districts are capable of beneficially directly using
20 and storing below Jawbone Creek: *Provided, however,*
21 That at such times as the aggregate daily natural flow of
22 the watershed of the Tuolumne and its tributaries measured
23 at the La Grange Dam shall be less than said districts can
24 beneficially use and less than two thousand three hundred
25 and fifty second-feet, then and in that event the said grantee

1 shall release, free of charge, the entire natural daily flow
2 of the streams which it has under this grant intercepted.

3 (d) That the said grantee whenever the said irrigation
4 districts desire water in excess of that to which they are en-
5 titled under the foregoing, shall on the written demand of the
6 said irrigation districts sell to the said irrigation districts from
7 the reservoir or reservoirs of the said grantee such amounts of
8 stored water as may be needed for the beneficial use of the
9 said irrigation districts at such a price as will return to the
10 grantee the actual total costs of providing such stored water,
11 such costs to be computed in accordance with the currently ac-
12 cepted practice of public cost accounting as may be deter-
13 mined by the Secretary of the Interior, including, however, a
14 fair proportion of the cost to said grantee of the conduit, lands,
15 dams, and water-supply system included in the Hetch Hetchy
16 and Lake Eleanor sites; upon the express condition, however,
17 that the said grantee may require the said irrigation districts
18 to purchase and pay for a minimum quantity of such stored
19 water, and that the said grantee shall be entitled to receive
20 compensation for a minimum quantity of stored water and
21 shall not be required to sell and deliver to the said irriga-
22 tion districts more than a maximum quantity of such stored
23 water to be released during any calendar year: *Provided,*
24 *however,* That if the said irrigation districts shall develop
25 sufficient water to meet their own needs for beneficial use and

1 shall so notify in writing the Secretary of the Interior, the
2 said grantee shall not be required to sell or deliver to said
3 irrigation districts the maximum or minimum amount of
4 stored waters hereinbefore provided for, and shall release the
5 said districts from the obligation to pay for such stored water:
6 *And provided further,* That said grantee shall without cost to
7 said irrigation districts return to the Tuolumne River above
8 the La Grange Dam for the use of the said irrigation districts
9 all surplus or waste water resulting from the development of
10 hydroelectric energy generated by the said grantee.

11 (e) That such minimum and maximum amounts of such
12 stored water to be so released during any calendar year as
13 hereinbefore provided and the price to be paid therefor by the
14 said irrigation districts are to be determined and fixed by the
15 Secretary of the Interior in accordance with the provisions
16 of the preceding paragraph.

17 (f) That the Secretary of the Interior shall revise the
18 maximum and minimum amounts of stored water to be sup-
19 plied to said irrigation districts by said grantee as hereinbe-
20 fore provided, whenever the said irrigation districts have
21 properly developed the facilities of the Davis Reservoir of the
22 Turlock Irrigation District and the Warner-Dallas Reservoir
23 of the Modesto Irrigation District to the fullest practicable
24 extent up to a development not exceeding in cost \$15 per
25 acre-foot storage capacity, and whenever additional storage

1 has been provided by the said irrigation districts which is
2 necessary to the economical utilization of the waters of said
3 watershed, and also after water losses and wastes have been
4 reduced to such reasonable minimum as will assure the
5 economical and beneficial use of such water.

6 (g) That the said grantee shall not be required to furnish
7 more than the said minimum quantity of stored water here-
8 inbefore provided for until the said irrigation districts shall
9 have first drawn upon their own stored water to the fullest
10 practicable extent.

11 (h) That the said grantee shall not divert beyond the
12 limits of the San Joaquin Valley any more of the waters
13 from the Tuolumne watershed than, together with the waters
14 which it now has or may hereafter acquire, shall be necessary
15 for its beneficial use for domestic and other municipal
16 purposes.

17 (i) That the said grantee shall, at its own expense, locate
18 and construct, under the direction of the Secretary of the In-
19 terior, such weirs or other suitable structures on sites to be
20 granted, if necessary, by the United States, for accurately
21 measuring the flow in the said river at or above La Grange
22 Dam, and measuring the flow into and out from the reservoirs
23 or intakes of said districts, and into and out from any reser-
24 voirs constructed by the said grantee, and at any other point
25 on the Tuolumne River or its tributaries, which he may

1 designate, and fit the same with water-measuring apparatus
2 satisfactory to said Secretary and keep such hydrographic
3 records as he may direct, such apparatus and records to be
4 open to inspection by any interested party at any time.

5 (j) That by "the flow," "natural daily flow," "aggre-
6 gate daily natural flow," and "what is naturally flowing," as
7 are used herein, is meant such flow as on any given day
8 would flow in the Tuolumne River or its tributaries if said
9 grantee had no storage or diversion works on the said
10 Tuolumne watershed.

11 (k) That when the said grantee begins the development
12 of the Hetch Hetchy Reservoir site, it shall undertake and
13 vigorously prosecute to completion a dam at least two hun-
14 dred feet high, with a foundation capable of supporting said
15 dam when built to its greatest economic and safe height.

16 (l) That the said grantee shall, upon request, sell or
17 supply to said irrigation districts, and also to the
18 municipalities within either or both said irrigation dis-
19 tricts, for the use of any land owner or owners therein for
20 pumping subsurface water for drainage or irrigation, or for
21 the actual municipal public purposes of said municipalities
22 (which purposes shall not include sale to private persons or
23 corporations) any excess of electrical energy which may
24 be generated, and which may be so beneficially used by said
25 irrigation districts or municipalities, when any such excess

1 of electric energy may not be required for pumping the
2 water supply for said grantee and for the actual municipal
3 public purposes of the said grantee (which purposes shall
4 not include sale to private persons or corporations) at
5 such price as will actually reimburse the said grantee for
6 developing and maintaining and transmitting the surplus
7 electrical energy thus sold; and no power plant shall be
8 interposed on the line of the conduit except by the said
9 grantee, or the lessee, as hereinafter provided, and for the
10 purposes and within the limitations in the conditions set
11 forth herein: *Provided*, That said grantee shall satisfy the
12 needs of the landowners in said irrigation districts for pump-
13 ing subsurface water for drainage or irrigation, and the
14 needs of the municipalities within such irrigation districts
15 for actual municipal public purposes, after which it may dis-
16 pose of any excess electrical energy for commercial purposes.

17 (m) That the right of said grantee in the Tuolumne
18 water supply to develop electric power for either municipal
19 or commercial use is to be made conditional for twenty years
20 following the completion of any portion of the works adapted
21 to the generation of electrical energy, as follows: The said
22 grantee shall within three years from the date of completion
23 of said portion of the works install, operate, and maintain
24 apparatus capable of developing and transmitting not less
25 than ten thousand horsepower of electric power for munici-

1 pal and commercial use, said ten thousand horsepower
2 to be actually used or offered for use; and within ten years
3 from the completion of said portion of the works not less
4 than twenty thousand horsepower; and within fifteen
5 years therefrom not less than thirty thousand horsepower;
6 and within twenty years therefrom not less than
7 sixty thousand horsepower, unless in the judgment of the
8 Secretary of the Interior the public interest will be satisfied
9 with a lesser development. The said grantee shall develop
10 and use hydroelectric power for the use of its people and
11 shall, at prices to be fixed under the laws of California or,
12 in the absence of such laws, at prices approved by the Secre-
13 tary of the Interior, sell or supply such power for irrigation,
14 pumping, or other beneficial use, said prices not to be less than
15 will return to said grantee the actual total costs of providing
16 and supplying said power, which costs shall be computed
17 in accordance with the currently accepted practice of public
18 cost accounting, as shall be determined by the Secretary of
19 the Interior, including, however, a fair proportion of cost of
20 conduit, lands, dams, and water-supply system; and further,
21 said grantee shall, before using any of said water for the
22 purpose of developing hydroelectric power, file such maps,
23 surveys, field notes, or other data as may be required by law,
24 and shall conform to any law existing and applicable to said

1 subject of development of said hydroelectric power for
2 municipal or commercial uses.

3 (n) That after the period of twenty years hereinbefore
4 provided for the development, transmission, use, and sale of
5 electric power, the Secretary of the Interior, under author-
6 ization hereby given, may require the grantee, within
7 a time fixed by the Secretary, to develop, transmit, and
8 use, or offer for sale, such additional power, and also
9 such power less than sixty thousand horsepower as the
10 grantee may have failed to develop, transmit, use, or sell,
11 within the twenty years aforesaid, as in the judgment of
12 said Secretary the grantee may or ought to develop under
13 this grant, and which in his judgment the public interest
14 demands or convenience requires; and in case of the failure
15 of the grantee to carry out any such requirements of the Sec-
16 retary of the Interior the latter is hereby authorized so to
17 do, and he may, in such manner and form and upon such
18 terms and conditions as he may determine, provide for the
19 development, transmission, use, and sale of such additional
20 power and such power not so developed, transmitted, or used
21 by the grantee at the end of said twenty years up to sixty
22 thousand horsepower; and for that purpose the Secretary
23 of the Interior may take possession of and lease to such per-
24 son or persons as he may designate such portion of the rights
25 of way, structures, dams, conduits, and other property ac-

1 quired or constructed by the grantee hereunder as may be
2 necessary for the development, transmission, use, and sale
3 of such power.

4 (o) That the rates or charges to be made by the
5 grantee or by any lessee under the last preceding paragraph
6 for the use of power for commercial purposes shall at all times
7 conform to the laws of the State of California or, in the ab-
8 sence of any such statutory law, be subject to the approval
9 of the Secretary of the Interior, and in the absence of such
10 law no rates or charges shall be made, fixed, or collected
11 without such approval, and the grantee shall at any time,
12 upon the demand of the Secretary of the Interior, allow the
13 latter or such person or persons as he may designate full and
14 free access, right, and opportunity to examine and inspect
15 all of the grantee's books, records, and accounts, and all the
16 works constructed and property occupied hereunder by the
17 grantee.

18 (p) That this grant is upon the further condition that
19 the grantee shall construct on the north side of the Hetch
20 Hetchy Reservoir site a scenic road or trail, as the Secretary
21 of the Interior may determine, above and along the proposed
22 lake to such point as may be designated by the said Secre-
23 tary, and also leading from said scenic road or trail a trail to
24 the Tiltill Valley and to Lake Vernon, and a road or trail to
25 Lake Eleanor and Cherry Valley via McGill Meadow; and

1 likewise the said grantee shall build a wagon road from Ham-
2 ilton or Smiths Station along the most feasible route adjacent
3 to its proposed aqueduct from Groveland to Portulaca or Hog
4 Ranch and into the Hetch Hetchy Dam site, and a road
5 along the southerly slope of Smiths Peak from Hog Ranch
6 past Harden Lake to a junction with the old Tioga Road, in
7 section four, township one south, range twenty-one east,
8 Mount Diablo base and meridian, and such roads and trails
9 made necessary by this grant, and as may be prescribed by
10 the Secretary of the Interior. Said grantee shall have the
11 right to build and maintain such other necessary roads or
12 trails through the public lands, for the construction and
13 operation of its works, subject, however, to the approval of
14 the Secretary of Agriculture in the Stanislaus National
15 Forest, and the Secretary of the Interior in the Yosemite
16 National Park. The said grantee shall further lay and
17 maintain a water pipe, or otherwise provide a good and
18 sufficient supply of water for camp purposes at the Meadow,
19 one-third of a mile, more or less, southeasterly from the
20 Hetch Hetchy Dam site.

21 That all trail and road building and maintenance by the
22 said grantee in the Yosemite National Park and the Stanis-
23 laus National Forest shall be done subject to the direction
24 and approval of the Secretary of the Interior or the Secretary
25 of Agriculture according to their respective jurisdictions.

1 (q) That the said grantee shall furnish water at cost to
2 any authorized occupant within one mile of the reservoir
3 and in addition to the sums provided for in section seven it
4 shall reimburse the United States Government for the actual
5 cost of maintenance of the above roads and trails in a
6 condition of repair as good as when constructed.

7 (r) That in case the Department of the Interior is called
8 upon, by reason of any of the above conditions, to make
9 investigations and decisions respecting the rights, benefits,
10 or obligations specified in this Act, which investigations or
11 decisions involve expense to the said Department of the
12 Interior, then such expense shall be borne by said grantee.

13 (s) That the grantee shall file with the Secretary of
14 the Interior, within six months after the approval of this
15 Act, its acceptance of the terms and conditions of this grant.

16 (t) That the grantee herein shall convey to the United
17 States, by proper conveyance, a good and sufficient title
18 free from all liens and encumbrances of any nature whatever,
19 to any and all tracts of land which are now owned by said
20 grantee within the Yosemite National Park or that part of
21 the national forest adjacent thereto not actually required for
22 use under the provisions of this Act, said conveyance to
23 be approved by and filed with the Secretary of the Interior
24 within six months after the said grantee ceases to use such

lands for the purpose of construction or repair under the provisions of this Act.

(u) That the city and county of San Francisco shall sell to the United States, for the use of the War Department, such water as the War Department may elect to take, and shall deliver the same through its system in or near the city of San Francisco to the mains or systems of such military reservations in that vicinity as may be designated by the Secretary of War, under such rules and regulations as he may prescribe. In payment for such water and the delivery thereof the United States shall pay to the said city and county of San Francisco a rental, to be calculated at a fixed rate per one thousand gallons, said rate not to exceed the actual cost of said water to said city and county for all the water so furnished, as determined by meter measurements: *And provided further*, That payment of said rental shall be made by the local disbursing officer of the War Department in the usual manner: *Provided, however*, That the grantee shall at all times comply with and observe on its part all the conditions specified in this Act, and in the event that the same are not reasonably complied with and carried out by the grantee, upon written request of the Secretary of the Interior, it is made the duty of the Attorney General in the name of the United States to commence all necessary

1 suits or proceedings in the proper court having jurisdiction
2 thereof, for the purpose of enforcing and carrying out the
3 provisions of this Act.

4 SEC. 10. That this grant, so far as it relates to the said
5 irrigation districts, shall be deemed and held to constitute a
6 binding obligation upon said grantee in favor of the said
7 irrigation districts which said districts, or either of them, may
8 judicially enforce in any court of competent jurisdiction.

9 SEC. 11. That this Act is a grant upon certain express
10 conditions specifically set forth herein, and nothing herein
11 contained shall be construed as affecting or intending to affect
12 or in any way to interfere with the laws of the State of Cali-
13 fornia relating to the control, appropriation, use, or distri-
14 bution of water used in irrigation or for municipal or other
15 uses, or any vested right acquired thereunder, and the
16 Secretary of the Interior, in carrying out the provisions of
17 this Act, shall proceed in conformity with the laws of said
18 State.

Passed the House of Representatives September 3, 1913.

Attest:

SOUTH TRIMBLE,

Clerk.

AN ACT

Granting to the city and county of San Francisco certain rights of way in, over, and through certain public lands, the Yosemite National Park, and Stanislaus National Forest, and certain lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California, and for other purposes.

SEPTEMBER 4, 1913.—Read twice and referred to the Committee on Public Lands.

